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9 Attorneys for Plaintiffs

10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF ARIZONA**

12 IN RE BARD IVC FILTERS PRODUCTS
13 LIABILITY LITIGATION

14 Jeffrey Bunch, an individual,
15 Plaintiff,
16 v.
17 C.R. Bard, Inc., a corporation, and Bard
18 Peripheral Vascular, Inc., an Arizona
19 corporation,
20 Defendants.

21 No. MD-15-02641-PHX-DGC
22 Civil Action No.: 2:16-cv-01678-PHX-
DGC

23 **FIRST AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS**

24 Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

25 Plaintiff(s) further show the Court as follows:

26 1. Plaintiff:

27 Jeffrey Bunch

1 2. Spousal Plaintiff or other party making loss of consortium claim:

2 Penny Bunch

3 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
4 conservator):

5 N/A

6 7. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
8 implant:

9 Pennsylvania

10 11. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of
12 injury:

13 Pennsylvania

14 15. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

16 Pennsylvania

17 18. District Court and Division in which venue would be proper absent direct
19 filing:

20 Middle District of Pennsylvania

21 22. Defendants (check Defendants against whom Complaint is made):

23 X C.R. Bard Inc.

24 X Bard Peripheral Vascular, Inc.

25 26. Basis of Jurisdiction:

27 X Diversity of Citizenship

28 □ Other: _____

1 a. Other allegations of jurisdiction and venue not expressed in Master
2 Complaint:
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7 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
8 a claim (Check applicable Inferior Vena Cava Filter(s)):

9 Recovery® Vena Cava Filter
10 G2® Vena Cava Filter
11 G2® Express Vena Cava Filter
12 G2® X Vena Cava Filter
13 Eclipse® Vena Cava Filter
14 Meridian® Vena Cava Filter
15 Denali® Vena Cava Filter
16 Other: _____
17
18

19 11. Date of Implantation as to each product:
20
21 April 20, 2009

22 12. Counts in the Master Complaint brought by Plaintiff(s):
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24

25 Count I: Strict Products Liability – Manufacturing Defect
26 Count II: Strict Products Liability – Information Defect (Failure
27 to Warn)
28 Count III: Strict Products Liability – Design Defect

1 X Count IV: Negligence - Design

2 X Count V: Negligence - Manufacture

3 X Count VI: Negligence – Failure to Recall/Retrofit

4 X Count VII: Negligence – Failure to Warn

5 X Count VIII: Negligent Misrepresentation

6 X Count IX: Negligence *Per Se*

7 X Count X: Breach of Express Warranty

8 X Count XI: Breach of Implied Warranty

9 X Count XII: Fraudulent Misrepresentation

10 X Count XIII: Fraudulent Concealment

11 X Count XIV: Violations of Applicable Pennsylvania Law

12 Prohibiting Consumer Fraud and Unfair and Deceptive Trade

13 Practices

14 X Count XV: Loss of Consortium

15 □ Count XVI: Wrongful Death

16 □ Count XVII: Survival

17 X Punitive Damages

18 □ Other(s):_____ (please state the facts supporting

19 this Count in the space immediately below)

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3 13. Jury Trial demanded for all issues so triable?

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X Yes

5

- No

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7 RESPECTFULLY SUBMITTED this 13th day of July, 2016.

8

LOWE LAW GROUP

9

10 By: /s/ Jonathan Peck

11

Nathan Buttars (UT 13659)

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Jonathan Peck (UT 14747)

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Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

24

I hereby certify that on this 13th day of July, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

25

/s/ Jonathan Peck

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27

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